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Date: August 5, 2004 **Number of pages (including cover):** 5

To: Examiner Matthew D. Anderson, U.S. Patent and Trademark Office

Fax No.: 703-872-9306

Serial No.: 09/605,044

Title: **METHOD AND APPARATUS FOR MAINTAINING INVENTORY OF LOGICAL VOLUMES STORED IN STORAGE ELEMENTS**

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From: Richard F. Giunta

Direct dial: 617-646-8322

Our File #: E0295.70117US00

CERTIFICATE OF FACSIMILE TRANSMISSION 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being transmitted via facsimile to the attention of Examiner Matthew D. Anderson, FAX number 703-872-9306, at the United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, in accordance with 37 C.F.R. §1.6(d), on the 5th day of August, 2004.

Richard F. Giunta, Reg. No. 36,149

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MESSAGE: Transmitted herewith is a Response to Advisory Action and Statement Establishing Common Ownership.

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Wolf Greenfield Fax Number: 617.646.8646

Wolf, Greenfield & Sacks, P.C. | 600 Atlantic Avenue | Boston, Massachusetts 02210-2206
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PATENTS TRADEMARKS COPYRIGHTS TECHNOLOGY TRANSFERS LITIGATION

DOCKET NO.: E0295.70117US00

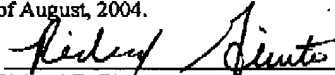
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David Black
Serial No: 09/605,044
Confirmation. No.: 4788
Filed: June 27, 2000
For: METHOD AND APPARATUS FOR MAINTAINING INVENTORY OF
LOGICAL VOLUMES STORED IN STORAGE ELEMENTS

Examiner: Anderson, Matthew D.
Art Unit: 2186

CERTIFICATE OF FACSIMILE TRANSMISSION 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being transmitted via facsimile to Commissioner for Patents, FAX number 703-872-9306, at the United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, in accordance with 37 C.F.R. §1.6(d) on the 5th day of August, 2004.


Richard F. Giunta, Reg. No.: 36,149

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

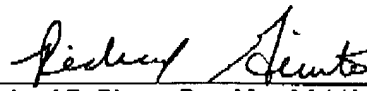
Transmitted herewith are the following documents:

☒ Response to Advisory Action and Statement Establishing Common Ownership

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 720-3500, Boston, Massachusetts.

A check is not enclosed. If a fee is required, the Commissioner is hereby authorized to charge Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,
David Black, Applicant

By: 
Richard F. Giunta, Reg. No.: 36,149
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2211
Telephone: (617)720-3500

Docket No. E0295.70117US00
Date: August 5, 2004
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ATTORNEY'S DOCKET NO: E0295.70117US00
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicants: David Black
Serial No: 09/605,044
Filed: June 27, 2000
For: METHOD AND APPARATUS FOR MAINTAINING INVENTORY OF
LOGICAL VOLUMES STORED IN STORAGE ELEMENTS
Examiner: Not Yet Assigned
Art Unit: 2771

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CERTIFICATE OF FACSIMILE TRANSMISSION 37 C.F.R. §1.8(a)

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Richard F. Giunta, Reg. No. 36,149

Commissioner for Patents
Washington, D. C. 20231

**RESPONSE TO ADVISORY ACTION AND STATEMENT
ESTABLISHING COMMON OWNERSHIP**

Sir:

In an amendment after final filed on June 8, 2004, Applicants summarized a telephone interview of the same date with the Examiner in which it was discussed that the Blumenau reference (U.S. Patent No. 6,295,575) relied upon for the first time in the final Office Action was commonly assigned with the present application, such that the reliance thereon was improper and the final Office Action should be withdrawn. The Advisory Action indicates that the rejection has been maintained because the statement of common ownership did not indicate that the Blumenau reference and the present application were commonly assigned at the time the invention was made.

Applicants hereby represent that the present application and the Blumenau reference were, at the time the invention was made, both owned by, or subject to an obligation of assignment, to EMC Corporation. This statement is sufficient to establish common ownership (MPEP §706.02(1)(2)), such that it is respectfully requested that the final rejection be withdrawn.

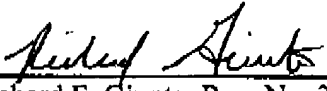
Serial No. 09/605,044

- 2 -

Art Unit 2186

If the Examiner has any questions concerning the foregoing, he is respectfully requested to contact the undersigned at the number listed below.

Respectfully submitted,

By: 
Richard F. Giunta, Reg. No. 36,149
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2211
Telephone: (617) 720-3500

Docket No.: E0295.70117US00
Date: August 5, 2004

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